

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33378 of 2012

ORDER:

This writ petition is filed questioning the proceedings dated 05.02.2012 in B.A.No.137/12/G3 issued by the 2nd respondent cancelling the building permission granted to the petitioner on the ground that she suppressed the fact of filing an application for regularization of building and also non-payment of penalty of Rs.33,354/-.

This Court, on 19.10.2012 directed the petitioner to pay an amount of Rs.33,354/- within three days and granted interim stay of demolition.

Nothing is stated in the counter-affidavit filed by the 1st respondent that the petitioner paid the said penalty amount.

Learned counsel for the petitioner states that the impugned proceedings were issued without issuing any notice and, in the counter also, the respondents have not stated about issuance of prior notice.

In view of the above, the impugned order is set aside on the ground of violation of principles of natural justice. However, the petitioner is stated to have paid the penalty amount. Hence, it is open to the respondents to issue fresh notice and take into consideration the penalty amount paid by the petitioner, and also her explanation, and take appropriate action in accordance with law. *Status quo* obtaining as on today shall be maintained by both the parties.

With the above directions, this Writ Petition is disposed of. No costs. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 10-08-2015

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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA**

PRADESH

WRIT PETITION No.33378 of 2012

Between:

Avula Suseela

... Petitioner

and

Ongole Municipal Corporation
and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 10-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?
Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment? Yes/No

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